

1 service, and various positions were re-classified and
2 they were re-described, so I wouldn't say that.

3 Q I have here an organizational chart; do
4 they participate in top management decisions, in the
5 meetings with Mr. Marrero when he is meeting with the
6 Assistant Chief, and the Chief, and yourself, is Mr.
7 Figueroa there?

8 A No.

9 Q Is Mr. Bou there?

10 A Sometimes.

11 Q Only when it relates to him?

12 A Yes.

13 Q You are there all the time?

14 A Yes. Not all the time, if it has to do
15 with the administration. If it is just something of
16 Technical Engineering, I am not usually there.

17 Q When he is out, who does his position
18 on an acting capacity, when his Assistant Chief is
19 not in? Isn't it Pedro Calderín?

20 A When who is out?

21 Q Jaime Marrero.

22 A Is the Assistant Chief?

23 Q And right now, who is the acting?

24 A Right now, acting is Pedro Calderín.

1 Q Because both are out?

2 A That is correct.

3 Q Is Mr. Bou left acting?

4 A He has been left acting before.

5 Q With Marrero?

6 A Yes.

7 Q And how about Mr. Figueroa?

8 A No, not that I recall.

9 Q And Lisa Morales?

10 A I believe she has been acting under
11 Marrero, yes.

12 Q Have you been left acting?

13 A No.

14 Q Were you going to be left acting now?

15 A Yes.

16 Q But why didn't they leave you acting?

17 A Because the Associate Director decided
18 she wanted an Engineer acting.

19 Q Which one is the one you have in place
20 right now, because I have one here and there is
21 another one?

22 A Actually, none of these two are in
23 place right now.

24 Q There is another one?

1 A Yes.

2 Q But this is the one that they projected
3 at a point in time?

4 A This is old.

5 Q At the beginning of the year. The one
6 that says FMS Organizational Chart.

7 A Yes, I know.

8 Q I have to state it for the record, it
9 is not for you.

10 A Yes.

11 Q For the record, because if we make
12 reference, then we won't know what we are referring
13 to.

14 A Sure.

15 MS. GONZALEZ: What are you doing, A and
16 B?

17 MS. RODRIGUEZ FRANK: Yes.

18 EXAMINATION CONTINUED

19 BY MS. RODRIGUEZ FRANK:

20 Q This one is under Review 103, this is
21 what, 1/03 last year?

22 A No, 03.

23 Q Okay, 1/03, this is January 03?

24 A That is what it says there.

1 Q And this one on the top, this one, the
2 one with the shorter paper, this is older than that
3 one?

4 A No, it says here 8-20-04.

5 Q Okay, this is the most recent one. Is
6 this the one in place right now?

7 A No, this is not the one in place right
8 now.

9 Q Okay, but this was the one in place by
10 8/20/04, that even has a -- oh, last year.

11 A Last year.

12 Q At the end of last year, this is the
13 one that was in place?

14 A No, this actually was never in place,
15 this was the percentage plan for the re-organization,
16 which was changed.

17 Q But who is in charge of the Technical
18 Section? The Assistant Chief is the Assistant Chief.
19 You were the one, the Operation Officer, in this, we
20 are talking about the small one, you were the one in
21 charge of all this?

22 A No. This was never in place.

23 Q Okay, the purpose.

24 A Okay, purpose.

1 Q The purpose, you were going to be in
2 charge of all this stuff, because I don't have a
3 recent, the current one, you were going to be in
4 charge of all this stuff, the one on the left side.

5 A Not necessarily me. This was a plan
6 that the Chief presented.

7 Q And you didn't have the position then,
8 of Operation Office?

9 A No.

10 Q Officer?

11 A No.

12 Q When was this given to you?

13 A I am a Program Management Officer, my
14 position was re-classified and it was classified as
15 Program Management Officer in December.

16 Q In December?

17 A In December 2004.

18 Q But you were in charge of all the
19 Administrative Section, the Budget Section, Resident
20 Engineer Office was also--

21 A That's not, that's a secretary.

22 Q The Budget Section, that secretary is
23 under your care too?

24 A Yes.

1 Q The Laundry Section?

2 A At that time I wasn't in charge of the
3 laundry.

4 Q Okay, but right now you are?

5 A Right now I am.

6 Q And then, and the Environmental
7 Sanitation Section was going to be under your care?

8 A No.

9 Q No?

10 A No, that was under the Assistant Chief.

11

12 Q So it was never under your care?

13 A No.

14 Q They were proposing this?

15 A They were proposing that.

16 Q So what they did is they took this out
17 and they put it under the Assistant Chief then?

18 A That is correct, that's the one case
19 now.

20 Q And that is the only change?

21 A Yeah.

22 Q Safety and Health Section continues to
23 be where it is right now?

24 A Yes.

1 Q And who is the supervisor of these
2 sections?

3 A Jose Colon.

4 Q Is he an engineer?

5 A No.

6 Q And these changes were made why? Were
7 you told why you were not going to be keeping the
8 Environmental Sanitation Section?

9 A No, because I never had that position.
10 This was going to be announced, it was not my
11 position. That was going to be announced.

12 Q Oh, okay.

13 A At the time that it was separate.

14 Q They were going to announce the
15 position of Operation Section?

16 A Yes.

17 Q And that person was going to have all
18 this stuff under his care?

19 A That is correct.

20 Q And you, at that point, were only on
21 the Administrative Section?

22 A That's correct.

23 Q So you had to apply for the position of
24 Operation Section?

1 A If I was interested I had to apply for
2 it.

3 Q But don't get -- you have seemed during
4 all this deposition to be defensive.

5 A No, no, no, I am clarifying.

6 MS. GONZALEZ: Counsel, she is helping us
7 in identifying the---

8 MS. RODRIGUEZ FRANK: But don't be
9 defensive.

10 THE DEPONENT: No, I am not defensive.

11 EXAMINATION CONTINUED

12 BY MS. RODRIGUEZ FRANK:

13 Q So the Environmental Section was going
14 to be under that person, whoever applied and ranked
15 and filed, and whatever?

16 A Yes.

17 Q And applied and was given the position?

18 A That is correct, yes.

19 Q What they did is they took this all
20 out, and how about the Transportation Unit, you kept
21 it, right?

22 A Yes.

23 Q And they moved all these guys here,
24 under the Assistant Chief, like there is another

1 branch here, I assume?

2 A Yes.

3 Q So instead of two branches, I have
4 three?

5 MS. GONZALEZ: Counsel, identify who are
6 the guys that you are pointing to, because it is not
7 going to be reflected on the record.

8 MS. RODRIGUEZ FRANK: Technical Section.

9 EXAMINATION CONTINUED

10 BY MS. RODRIGUEZ FRANK:

11 Q So, now we have the Chief of Facility,
12 Operation Section, Technical Section and the
13 Environmental Sanitation Section?

14 A No, the Environmental Sanitation
15 Section is under Technical Section.

16 Q Oh, okay, very good. So he still has
17 Operation and Technical?

18 A That's correct.

19 Q And you have, and you became the person
20 who occupied the position of the Head of Operation Section?

21 A It's called now the Operation Section,
22 it's called the Administration Section.

23 Q Okay but you still have the
24 Transportation Unit?

1 A That's correct.

2 Q And the Laundry Section?

3 A That's correct.

4 Q Which were before under Mr. Bou's care?

5 A The Laundry. Transportation was in
6 Police Service.

7 Q Transportation was in Police Service?

8 A Yes.

9 Q Then you told me that Safety Health
10 continues to be under Mr. Jose Colon?

11 A That's correct.

12 Q And he is a new hire or a person that
13 was there---

14 A He was there before as an Industrial
15 Engineer. Q An Industrial Engineer?

16 A Yes.

17 Q He was always in that section?

18 A Yes.

19 Q And he was the head of that section?

20 A No.

21 Q And who was the head of that section?

22 A We didn't have a head there.

23 Q You didn't have a Safety Health
24 Section?

1 A We had a Safety Health Section, we
2 didn't have a Chief.

3 Q Oh, okay. And Jose Colon, is he younger
4 than 40 or older than 40?

5 A He seems to be in his forties.

6 Q He seems to be? How long has he worked
7 there?

8 A Jose Colon, with Facility Management
9 Services, the Industrial--

10 Q You told me that he is not an engineer?

11 A No, he is not an engineer. He used to
12 work under Human Resources, they were under Human
13 Resources.

14 Q Okay, these guys were, the Safety
15 Health?

16 A The Safety Health was under Human
17 Resources.

18 Q They have to do with OSHA, no?

19 A Yes.

20 Q Then the planning section is where Mr.
21 Figuerroa works right now with Lisa Morales?

22 A That's correct.

23 Q Lisa Morales was the boss?

24 A Yes.

1 Q Engineering Section is the one under
2 Mr. Bou's care or Eduardo Diaz?

3 A No, that's the Project Section, that's
4 under Miguel Cordero.

5 Q Miguel Cordero, and he is the one who
6 is hired by Mr. Marrero?

7 A That's correct.

8 Q And he has all these guys under his--

9 A That's correct.

10 Q The architect, Technical Engineer, all
11 these guys?

12 A Yes.

13 Q And the section applying was under the
14 FMS Service or the Director of Office?

15 A No, they were under FMS.

16 Q All the time?

17 A Yes. The only thing is they were
18 together with project, they were one section.

19 Q And how about the Maintenance and
20 Repair? That's the one under Mr. Bou's care?

21 A That's correct.

22 Q And Mr. Bou, the only thing that he
23 doesn't have right now is the laundry, which you now
24 have?

1 A Yes, he has the Electrical Shop, which
2 he did not have.

3 Q And that was the one that Mr. Eduardo
4 Diaz told us that it was taken out of his section?

5 A That's correct.

6 Q And then there's the VA Construction
7 Team, are they still there?

8 A Yes.

9 Q And who is the engineer in charge of
10 that?

11 A Pedro Calderín.

12 Q Okay, and the Lab Medical Section?

13 A Eduardo Diaz.

14 Q Okay, that is the one he told us that
15 he kept? So the only shift, really is that the
16 Environmental was placed under the Assistant Chief?

17 A That's correct.

18 Q And Mr. Jose Colon came from the Human
19 Resources Services to be under his care. When did
20 that happen, Jose Colon?

21 A That happened, the Safety Personnel was
22 under Human Resources, not just Jose Colon. Jose
23 Colon, Luis Aponte, Gil Perez, they were under HR,
24 and they came to the facility some time back, prior

1 to Marrero, they came to the Facility Management
2 Service.

3 MS. RODRIGUEZ FRANK: I have no more
4 questions for you.

5 MS. GONZALEZ: I will need about five
6 minutes to review my notes. I have a few questions.
7 (Whereupon there is a brief recess taken)

8 MS. RODRIGUEZ FRANK: Finally, and it is
9 the only thing that I am going to ask you, I would
10 like to have the current organizational charts.

11 THE DEPONENT: Okay.

12 MS. RODRIGUEZ FRANK: Has it been approved
13 and it is signed like this one?

14 THE DEPONENT: I would have to check,
15 because I know it was submitted. I don't know if we
16 have the final. I will check with the staff.

17 MS. RODRIGUEZ FRANK: Well, I need the
18 submitted one.

19 MS. GONZALEZ: We will verify, counsel, if
20 that is available.

21 MS. RODRIGUEZ FRANK: Because it's the one
22 that you are functioning in right now.

23 CROSS EXAMINATION

24 BY MS. GONZALEZ:

1 Q This is Assistant US Attorney Katherine
2 Gonzalez, I am just going to ask a couple of
3 questions.

4 You indicated that you know Mr. Figueroa as
5 his?

6 MS. RODRIGUEZ FRANK: Godmother.

7 EXAMINATION CONTINUED

8 BY MS. GONZALEZ:

9 Q You are the Godmother of one of his
10 children?

11 A Yes.

12 Q Have you had any conversations with Mr.
13 Figueroa about this case before coming here?

14 A No.

15 Q And you also mentioned that you
16 assisted Mr. Bou and Mr. Figueroa in a personal
17 capacity in the preparation of some documentation
18 relating to the application for positions that they
19 applied?

20 A Yes.

21 Q In what specific documents did you
22 provide help?

23 A In the preparation of the knowledge
24 skills and abilities. Those are the questions asked